

1761

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OFFICIAL**FACSIMILE TRANSMISSION**

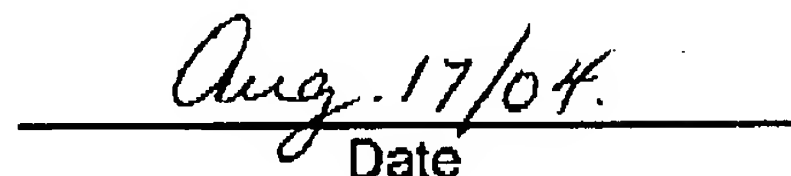
Date: 17 August 2004
To: United States Patent and Trademark Office
Examiner: SAYALA, Chhayad
TC/A.U. 1761
US Patent No: 10/076,499
Filing Date: February 19, 2002
Fax Number: (703) 872-9306
From: Trisha Williams
Our Reference: 5478-8A.1

Total Number of Pages (including this cover sheet) : 4

MESSAGE:**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office on the date shown below.

Trisha Williams


Date

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File No.: 5478-8A.1 IF/TW

Ottawa, Canada
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/076,499 Confirmation No. 2448
Applicant : Her Majesty The Queen In Right of Canada, as represented
by the Minister of Fisheries And Oceans
Filed : February 19, 2002
TC/A.U. : 1761
Examiner : SAYALA, Chhayad
Docket No. : 5478-8A.1
Customer No. : 38678

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP NON FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 23, 2004, Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one of the following eight inventions:

- Group 1: Claims 1-3, 7-14, drawn to a process for preparing a protein meal.
- Group 2: Claims 4-6, 36-39, drawn to a process for preparing a protein concentrate.
- Group 3: Claims 15-20, drawn to a protein source.

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U.S.S.N. 10/076,499

Amendment dated July 16, 2004

Reply to Restriction Requirement of July 23, 2004

- Group 4: Claims 21-22, 35, drawn to an oilseed oil.
- Group 5: Claims 23-24, 34, drawn to a mixture of oilseed oil and animal fats.
- Group 6: Claims 25-28, drawn to a fertilizer product.
- Group 7: Claims 29-31, 41 drawn to an oilseed meal.
- Group 8: Claims 32-33, 40, drawn to a protein concentrate with animal offal.

ELECTION:

The Applicant respectfully elects Group 1 with traverse, drawn to a process for preparing a protein meal as set forth in claims 1-3 and 7-14 for further prosecution.

It is believed that claims within Groups 1, 2, 3, 5 and 8, namely claims 2-6, 9-11, 13-20, 23-24, 26-28 and 32-34, are directed to a unitary inventive concept, namely the co-processing of admixtures from animal and plant sources with their resultant products. It is believed that any search for the group embodied in these claims would necessarily include a search for the group embodied in claims 1-3 and 7-14 would necessarily include a search for the subject matter embodied in claims 4-6, 13-20, 23-24, 26-28 and 32-34. Thus, a simultaneous search for all of the groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of these claims from the above-noted groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of the subject matter claimed in several different patents that could otherwise be found in one issued patent only.

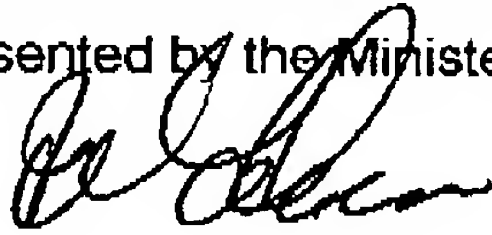
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Applicant reserves the right to file one or more divisional patent applications for the non-elected inventions.

For all of these reasons, it is respectfully requested that the Restriction Requirement under 35 U.S.C. 121 to claims 2-6, 9-11, 13-20, 23-24, 26-28 and 32-34 be withdrawn, and an action on the merits of all of these claims be rendered.

Respectfully submitted,
Her Majesty The Queen in Right of Canada,
as represented by the Minister of Fisheries and Oceans

By:



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Tel.: 1-613-234-1907